BILL NO. S-89-02-13 (as amended) (as amended)

SPECIAL ORDINANCE NO. S-71-89

AN ORDINANCE OF THE COMMON COUNCIL
OF THE CITY OF FORT WAYNE, INDIANA
CONCERNING TRAINS BLOCKING INTERSECTIONS

WHEREAS, Section 23-12 of the Municipal Code of the City of Fort Wayne, Indiana is in need of revision; and

WHEREAS, a substantial fine will act as a deterrent for persistent violators.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT:

SECTION 1. Section 23-12 of the Municipal Code is hereby repealed and replaced with the following language:

"Section 23-12. Obstruction of City streets.

(a) It shall be unlawful, within the City of Fort Wayne, for any engineer, conductor or person in charge of any engine or train of cars, to obstruct any passage of any street in the city by moving or switching of any train on a crossing for a longer period than ten minutes, except where such engine, or train of cars cannot be moved by reason of circumstances arising from the blocking of crossing or crossings as a result of mechanical failure of railroad equipment or blocking of the crossing as a result of an emergency; provided that an immediate and diligent effort shall be made by the railroad to clear any blocked crossing or crossings with all due haste.

(b) It shall be unlawful, within the City of Fort Wayne, for a railroad corporation to permit successive train movements to obstruct vehicular traffic at a railroad highway grade crossing until all vehicular traffic previously delayed by such train movements has been cleared or a period of five (5) minutes has elapsed between train movements.

Section 23-12.1. Penalty.

Any violation of Section 23-12 shall result in a fine of not less than one thousand dollars ($1,000.00) plus court costs. Any citations for offenses against this Section 23-12 by a railroad corporation shall be served upon any responsible local officer, freight agent, or passenger agent of the railroad by any police officer of the City."

SECTION 2. This Ordinance shall take effect upon and from the date of its passage and any and all necessary approval by the Mayor and its legal publication thereof.

Janet G. Bradbury
Councilmember

BILL NO. S-89-02-13

SPECIAL ORDINANCE NO._____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA CONCERNING TRAINS BLOCKING INTERSECTIONS.

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as amended.

(b) It shall be unlawful, within the City of Fort Wayne, for a railroad corporation to permit successive train movements to obstruct vehicular traffic at a railroad highway grade crossing until all vehicular traffic previously delayed by such train movements has been cleared or a period of five (5) minutes has elapsed between train movements.

Section 23-12.1. Penalty.

Any engineer, conductor or person found in violation of Section 23-12 shall be fined not less than one thousand dollars ($1,000.00) plus court costs."

as amended

SECTION 2. This Ordinance shall take effect upon and from the date of its passage and any and all necessary approval by the Mayor and its legal publication thereof.

Janet G. Bradbury
COUNCILMEMBER

APPROVED AS TO FORM
AND LEGALITY.

Stanley A. Levine
Attorney for Common Council

Read the first time in full and on motion by Bradbury, seconded by Shaw, and duly adopted, read the second time by title and referred to the Committee on Legislative (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on ____, the ____, day of ____, 19____, at ____ o'clock ____.M.,E.S.T.

DATED: 2-28-89

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Long, and duly adopted, placed on its passage. ~~LOST~~ PASSED by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	5			4
BRADBURY	✓			
BURNS	✓			
GiaQUINTA				✓
HENRY				✓
LONG	✓			
REDD	✓			
SCHMIDT				✓
STIER				✓
TALARICO	✓			

DATED: 4-25-89

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ANNEXATION)~~ ~~(APPROPRIATION)~~ (GENERAL) (SPECIAL) ~~(ZONING MAP)~~ ORDINANCE ~~RESOLUTION~~ NO. S-71-89 on the 25th day of April, 19 89.

~~ATTEST~~ Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

SEAL

Charles B. Redd
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 2nd day of May, 19 89, at the hour of 10:00 o'clock A.M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 10th day of May, 19 89, at the hour of 11:00 o'clock A.M.,E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

BILL NO. S-89-02-13 as amended ~~hold~~ 4/11 David L hold again for 4/25

as amended

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON
DAVID C. LONG, VICE CHAIRMAN
STIER, SCHMIDT, TALARICO

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA CONCERNING TRAINS BLOCKING INTERSECTIONS

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID

(ORDINANCE) (~~RESOLUTION~~)

DO PASS	DO NOT PASS	ABSTAIN	NO REC
Janet G. Bradbury			
David C. Long			
Samuel J. Talarico			

DATED: 4-25-89.

Sandra E. Kennedy
City Clerk

BILL NO. S-89-02-13

SPECIAL ORDINANCE NO. S- 71-89

AN ORDINANCE OF THE COMMON COUNCIL
OF THE CITY OF FORT WAYNE, INDIANA
CONCERNING TRAINS BLOCKING INTERSECTIONS

WHEREAS, Section 23-12 of the Municipal Code of the City of Fort Wayne, Indiana is in need of revision; and

WHEREAS, a substantial fine will act as a deterrent for persistent violators.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT:

SECTION 1. Section 23-12 of the Municipal Code is hereby repealed and replaced with the following language:

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(a) It shall be unlawful, within the City of Fort Wayne, for any engineer, conductor or person in charge of any engine or train of cars, to obstruct any passage of any street in the city by moving or switching of any train on a crossing for a longer period than ten minutes, except where such engine, or train of cars cannot be moved by reason of circumstances ~~over which the railroad corporation has no control~~ arising from the blocking of crossing or crossings as a result of mechanical failure of railroad equipment or blocking of the crossing as a result of an emergency; provided that an immediate and diligent effort shall be made by the railroad to clear any blocked crossing or crossings with all due haste.

(b) It shall be unlawful, within the City of Fort Wayne, for a railroad corporation to permit successive train movements to obstruct vehicular traffic at a railroad highway grade crossing until all vehicular traffic previously delayed by such train movements has been cleared or a period of five (5) minutes has elapsed between train movements.

Section 23-12.1. Penalty.

Any citations for offenses against this Section 23-12 by a railroad corporation shall be served upon any responsible local officer, freight agent, or passenger agent of the railroad by any police officer of the City

Reverse the sentence

in violation of Section 23-12 shall result in a fine of not less than one thousand dollars ($1,000.00) plus court costs.

SECTION 2. This Ordinance shall take effect upon and from the date of its passage and any and all necessary approval by the Mayor and its legal publication thereof.

Janet G. Bradbury
Councilmember

THE CITY OF FORT WAYNE

May 12, 1989

Ms. Connie Lambert
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the dates of May 16 & May 23, 1989, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. S-89-02-13
(as amended) (as amended)
Special Ordinance No. S-71-89
Concerning Train Blocking Intersections

Please send us 4 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 1

LEGAL NOTICE

Notice is hereby given that on the 25th day of April, 19 89, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. S-89-02-13 (as amended) (as amended) Special Ordinance No. S-71-89 to-wit:

BILL NO. S-89-02-13 (as amended) (as amended)

SPECIAL ORDINANCE NO. S-71-89

AN ORDINANCE OF THE COMMON COUNCIL
OF THE CITY OF FORT WAYNE, INDIANA
CONCERNING TRAINS BLOCKING INTERSECTIONS

WHEREAS, Section 23-12 of the Municipal Code of the City of Fort Wayne, Indiana is in need of revision; and

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SECTION 2. This Ordinance shall take effect upon and from the date of its passage and any and all necessary approval

($1,000.00) plus court costs. Any citations for offenses against this Section 23-12 by a railroad corporation shall be served upon any responsible local officer, freight agent, or passenger agent of the railroad by any police officer of the City."

SECTION 2. This Ordinance shall take effect upon and from the date of its passage and any and all necessary approval by the Mayor and its legal publication thereof.

Janet G. Bradbury
Councilmember

Read the third time in full and on motion by Bradbury, seconded by Long, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Five
Bradbury, Burns, Long, Redd, Talarico
NAYS: None
ABSENT: Four
GiaQuinta, Henry, Schmidt, Stier
ABSTAINED: None

DATED: 4-25-89

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-71-89 on the 25th day of April, 1989.

ATTEST: (SEAL)

Sandra E. Kennedy
City Clerk

Charles B. Redd
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 2nd day of May, 1989 at the hour of 10:00 o'clock A.M.,E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 10th day of May, 1989, at the hour of 11:00 o'clock A.M.,E.S.T.

Paul Helmke
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of Special Ordinance No. S-71-89, passed by the Common Council on the 25th day of April, 19 89, and that said Ordinance was duly signed and approved by the Mayor on the 10th day of May, 19 89, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 10th day of May, 19 89.

SEAL

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Form Prescribed by State Board of Accounts

General Form No. 99P (Revised 1987)

Fort Wayne Common Council
(Governmental Unit)

Allen County, Indiana

To: The Journal-Gazette Dr.
P.O. Box 100
Fort Wayne, IN

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set) -- number of equivalent lines	
Head -- number of lines	1
Body -- number of lines	87
Tail -- number of lines	12
Total number of lines in notice	100

COMPUTATION OF CHARGES

100 lines, 1 columns wide equals 100 equivalent lines at .495 cents per line	$ 49.50
Additional charge for notices containing rule or tabular work (50 percent of above amount)	
Charge for extra proofs of publication ($1.00 for each proof in excess of two)	2.00
TOTAL AMOUNT OF CLAIM	$ 51.50

DATA FOR COMPUTING COST

Width of single column 12.5 ems
Number of insertions 2
Size of type 6 point

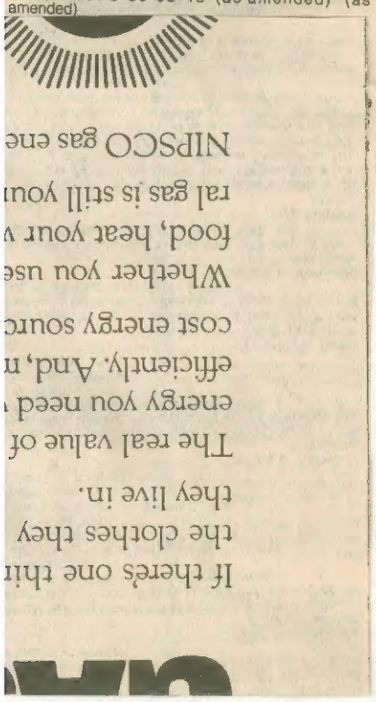
Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Larry Thompson

Date: May 23, 19 89 Title: Clerk

LEGAL NOTICE
Notice is hereby given that on the 25th day of April, 1989, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. S-89-02-13 (as amended) (as amended) Special Ordinance No. S-71-89 to-wit:
BILL NO. S-89-02-13 (as amended) (as amended)



PUBLISHER'S AFFIDAVIT

State of Indiana)
) ss:
Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Larry Thompson who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time(s), the dates of publication being as follows:

May 16,23, 1989

Larry Thompson

Subscribed and sworn to before me this 23rd day of May, 19 89.

Shelley R LaRue

Notary Public Whitley County, IN
SHELLEY R. LARUE

My commission expires: March 3, 1990

Form Prescribed by State Board of Accounts

General Form No. 99P (Revised 1987)

Fort Wayne Common Council
(Governmental Unit)
Allen
County, Indiana

To: The News-Sentinel Dr.
P.O. Box 100
Fort Wayne, IN

PUBLISHER'S CLAIM

LINE COUNT

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TOTAL AMOUNT OF CLAIM	$ 51.50

DATA FOR COMPUTING COST

Width of single column 12.5/2 ems
Number of insertions
Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: May 23, 19 89

Larry Thompson
Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)
) ss:
Allen County)

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Larry Thompson

Subscribed and sworn to before me this 23rd day of May, 19 89

Shelley R LaRue
Notary Public Whitley County, IN
SHELLEY R. LARUE

My commission expires: March 3, 1990

...y several weeks ago, Said Dos
...um, who said the Bears would
...ave no comment about the defen-
...ve lineman's future or his up, t
...s that gusn and gussy
... primp and pose. Mostly, they
... to see cities that are willing to
...rifice whatever it takes for the
...nt to stage an event of Super
...wl proportions.

Jim Irsay sees nothing wrong
...th that.

"Obtaining a Super Bowl is a
...usiness transaction," he said.
Awarding a game to a certain city
...as to make sense business-wise to
...he owners.

"It's the same as trading for a
player like Eric Dickerson. There
are a lot of bidders and you have to
outbid them."

...y, Henry, Schmidt, Stier

Charge for extra proofs of publication ($1.00 for each proof in excess of two) 2.00

TOTAL AMOUNT OF CLAIM $ 51.50

DATA FOR COMPUTING COST

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Number of insertions 2
Size of type 6 point

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Larry Thompson

Date: May 23, 19 89 Title: Clerk

LEGAL NOTICE

Notice is hereby given that on the 25th day of April, 1989, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. S-89-02-13 (as amended) (as amended) Special Ordinance No. S-71-89 to-wit:

BILL NO. S-89-02-13 (as amended) (as amended)

SPECIAL ORDINANCE NO. S-71-89

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA CONCERNING TRAINS BLOCKING INTERSECTIONS

WHEREAS, Secion 23-12 of the Municipal Code of the City of Fort Wayne, Indiana is in need of revision; and

WHEREAS, a substantial fine will act as a deterrent for persistent violators.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT:

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SECTION 2. This Ordinance shall take effect upon and from the date of its passage and any and all necessary approval by the Mayor and its legal publication thereof.

Janet G. Bradbury
Councilmember

Read the third time in full and on motion by Bradbury, seconded by Long, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Five
Bradbury, Burns, Long, Redd, Talarico
NAYS: None
ABSENT: Four
GiaQuinta, Henry, Schmidt, Stier
ABSTAINED: None
DATED: 4-25-89

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-71-89 on the 25th day of April, 1989.

ATTEST:
Sandra E. Kennedy
City Clerk

Charles B. Redd
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 2nd day of May, 1989 at the hour of 10:00 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 10th day of May, 1989, at the hour of 11:00 o'clock A.M., E.S.T.

Paul Helmke
Mayor

PUBLISHER'S AFFIDAVIT

State of Indiana)
) ss:
Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Larry Thompson who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time(s), the dates of publication being as follows:

May 16,23, 1989

Larry Thompson

Subscribed and sworn to before me this 23rd day of May, 19 89.

Shelley R LaRue

Notary Public Whitley County, IN
SHELLEY R. LARUE

My commission expires: March 3, 1990

PUBLISHER'S CLAIM

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Additional charge for notices containing rule or tabular work (50 percent of above amount) —

Charge for extra proofs of publication ($1.00 for each proof in excess of two) — 2.00

TOTAL AMOUNT OF CLAIM — $ 51.50

DATA FOR COMPUTING COST

Width of single column 12.5 / 2 ems
Number of insertions _____
Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: May 23, 19 89 Title: Larry Thompson Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)
) ss:
Allen County)

a notary public in and for said county and state, the
son who, being duly sworn, says that he/
The News-Sentinel newspaper of general
ed in the English language in the (city) (town) of
nd county aforesaid, and that the printed matter
y, which was duly published in said paper for
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6,23, 1989

Larry Thompson

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Shelley R LaRue
Notary Public Whitley County, IN
SHELLEY R. LARUE

My commission expires: March 3, 1990

LEGAL NOTICE

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BILL NO. S-89-02-13 (as amended) (as ended)

SPECIAL ORDINANCE NO. S-71-89
AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA CONCERNING TRAINS BLOCKING INTERSECTIONS

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SECTION 2. This Ordinance shall take effect upon and from the date of its passage and any and all necessary approval by the Mayor and its legal publication thereof.

Janet G. Bradbury
Councilmember

Read the third time in full and on motion by Bradbury, seconded by Long, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Five
Bradbury, Burns, Long, Redd, Talarico
NAYS: None
ABSENT: Four
GiaQuinta, Henry, Schmidt, Stier
ABSTAINED: None
DATED: 4-25-89

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-71-89 on the 25th day of April, 1989.

ATTEST:
Sandra E. Kennedy
City Clerk

Charles B. Redd
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 2nd day of May, 1989 at the hour of 10:00 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 10th day of May, 1989, at the hour of 11:00 o'clock A.M., E.S.T.

Paul Helmke
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of Special Ordinance No. S-71-89, passed by the Common Council on the 25th day of April, 1989, and that said Ordinance was duly signed and approved by the Mayor on the 10th day of May 1989, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 10th day of May, 1989.

Sandra E. Kennedy, City Clerk

5--16-23